

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

ROCHELLE POUGET,

Plaintiff,

v.

KYSA CRUSCO, PHILIP CROSS, SALEM
FIVE BANK, HARMON LAW OFFICES,
TIMOTHY LOVELESS, JAMES R. BRACE,
PATRICIA MURPHY, JOHN COUGHLIN,
DCYF, TOWN OF NEW BOSTON, *and*
20 LINCOLN DRIVE, LLC

Defendants.

Civil Action No. 1:22-CV-00382-SM

**20 LINCOLN DRIVE, LLC’S OBJECTION TO PLAINTIFF’S MOTION TO ADD
TWO DEFENDANTS AND MOTION TO PROVIDE NEW EVIDENCE OF
OBSTRUCTION OF JUSTICE AND REAL ESTATE FRAUD**

NOW COMES the Defendant, 20 Lincoln Drive, LLC (“20 Lincoln”), by and through counsel, Bernstein, Shur, Sawyer & Nelson, P.A., and hereby files an Objection to Plaintiff’s Motion to Add Two Defendants and Motion to Provide New Evidence of Obstruction of Justice and Real Estate Fraud (the “Motion to Add”). In support thereof, 20 Lincoln Drive states as follows:

1. In the Motion to Add, the Plaintiff, Rochelle Pouget f/k/a Rochelle Coburn (“Pouget”), in relevant part, asserts that 20 Lincoln “filed a Motion in Goffstown Family Court AFTER the Federal Restraining Order was issue[d] and most recently filed a Motion after they were served and acknowledged they were served in this Federal Lawsuit.” (Mot. Add at ¶ 2 (emphasis in original.)) In her request for relief, Pouget asks the Court to restrain 20 Lincoln from

“filing another Motion in Family Court in this case as there is already a Federal case pending.” (*Id.* at p. 3 ¶ E.)

2. The Court should deny the Motion to Add, as it pertains to 20 Lincoln, because, in contrast to Pouget’s assertion, there is no federal restraining order in place that would preclude 20 Lincoln, as the lawful owner of the property, from proceeding with a pending eviction action against Pouget.

3. By way of brief background, 20 Lincoln acquired the property located at 20 Lincoln Drive in New Boston, New Hampshire (the “Property”) via Foreclosure Deed on October 3, 2022. (*See* ECF Doc. No. 8-1.) At the time, Pouget—the foreclosed prior owner of the Property—was still residing at the Property. On or around October 28, 2022, 20 Lincoln served an Eviction Notice on Pouget. (*See id.*) When Pouget did not vacate the Property by the date on the Eviction Notice, 20 Lincoln initiated an eviction proceeding in the 9th Circuit – District Division – Goffstown (the “District Court”) entitled *20 Lincoln Drive, LLC v. Rochelle Coburn et al.*, Case No. 438-2022-LT-00060 (the “Landlord/Tenant Action”). On May 5, 2023, the District Court entered a Notice of Default against Pouget in the Landlord/Tenant Action. On May 19, 2023, the District Court issued a Writ of Possession.

4. Meanwhile, in the instant litigation, Pouget filed a Motion to Amend her Complaint (ECF Doc. No. 8), in which Pouget, in relevant part, sought leave to add 20 Lincoln as a Defendant to the above-captioned matter. On or around May 23, 2023, 20 Lincoln filed a Motion to Dismiss Pouget’s claims on the basis that she failed to state a claim for relief against 20 Lincoln. (*See* ECF Doc. Nos. 22 and 22-1.) 20 Lincoln’s Motion to Dismiss is currently pending before this Court.

5. Now, Pouget seeks an Order from this Court to restrain 20 Lincoln from “filing another Motion in Family Court” on the basis that a “Federal Restraining Order was issue[d]” and

“there is already a Federal case pending.” (Mot. Add at p. 3 ¶ E.) However, the Court should deny the Motion to Add as it pertains to 20 Lincoln. First, in contrast to Pouget’s assertion in the Motion to Add, this Court denied Pouget’s Motion for Temporary Restraining Order on September 26, 2022 and, thus, there is no federal restraining order in the above-captioned matter. (ECF Doc. No. 4.) Second, 20 Lincoln, as the lawful owner of the Property, is entitled to move forward with the Landlord/Tenant Action while the instant litigation is pending. Pouget has not obtained any relief against 20 Lincoln in the instant litigation and/or the Landlord/Tenant Action and, thus, there is no basis to restrain 20 Lincoln from proceeding with the eviction proceeding against Pouget.

6. Based on the foregoing, the Court should deny the Motion to Add as it pertains to 20 Lincoln.

PRAYERS FOR RELIEF

WHEREFORE, 20 Lincoln respectfully requests that this Honorable Court:

- A. Deny the Motion to Add as it pertains to 20 Lincoln; and
- B. Grant such further relief as may be just and proper.

Respectfully submitted,
20 Lincoln Drive, LLC

By and through its counsel,
Bernstein, Shur, Sawyer & Nelson, P.A.

Dated: June 1, 2023

/s/ Roy W. Tilsley, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that this motion was electronically filed in the court's electronic filing system and served on the following persons on this 1st day of June, 2023 via First Class Mail:

Conventionally Served:
Rochelle Pouget

/s/ Roy W. Tilsley, Jr.

Roy W. Tilsley, Jr., Esq.